

AMENDED IN SENATE MAY 11, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1099**

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**Introduced by Senator Correa**

February 17, 2010

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An act to amend Sections 11410 and 15200.5 of, and to add Section 11410.5 to, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as amended, Correa. Foster care funds: subsidized child care for foster parents.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care.

Existing law requires the county to amend its foster care state plan to authorize counties that elect to subsidize child care for foster parents to use specified federal matching funds for that purpose. Under existing law, the county is responsible for 100% of the nonfederal share of payments to foster parents for this purpose.

Existing law, the Child Care and Development Services Act provides child care and development services to children from birth to 13 years of age and their parents through full- and part-time programs. The act requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement those programs, and gives priority to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, as specified.

This bill would require the State Department of Social Services to amend its foster care state plan to authorize the use of designated state child care and development funds administered by the State Department of Education, in addition to county funds, as the nonfederal match for specified child care for children receiving protective services, foster children, and children at risk of abuse and neglect, pursuant to criteria specified in the bill. The bill would make conforming changes to the law relating to the payment of the nonfederal share of these costs.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11410 of the Welfare and Institutions  
2     Code is amended to read:  
3     11410. (a) The department shall amend the foster care state  
4     plan required under Subtitle IV-E (commencing with Section 470)  
5     of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.), to  
6     authorize counties that elect to subsidize child care for foster  
7     parents to use federal matching funds under Subtitle IV-E for that  
8     purpose.  
9     (b) When approved by the federal government, counties electing  
10    to administer the Foster Parent Child Care Program shall follow  
11    the guidelines developed by the State Department of Social  
12    Services.  
13    (c) Federal funds used by a county pursuant to this section shall  
14    be matched either by county funds pursuant to Section 15200.5,  
15    or by funds made available pursuant to Section 11410.5, or by a  
16    combination of those funds.  
17    SEC. 2. Section 11410.5 is added to the Welfare and  
18    Institutions Code, to read:  
19    11410.5. (a) The department shall amend the foster care state  
20    plan required under Subtitle IV-E (commencing with Section 470)  
21    of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) to  
22    authorize the use of state child care and development funds  
23    administered by the child development division of the State  
24    Department of Education, that are not being used for any other  
25    nonfederal match, as the nonfederal match for Title IV-E child  
26    care for children receiving protective services, foster children, and  
27    children at risk of abuse and neglect.

1 (b) If child development division funds are to be used as the  
2 nonfederal match for Title IV-E, the county shall do all of the  
3 following:

4 (1) Contract with a local State Department of Education  
5 contracted child care agency that is willing to participate.

6 (2) Claim the full child care costs of federally eligible Title IV-E  
7 children, at a rate commensurate with regional child care and  
8 development costs.

9 (3) Provide the full federal Title IV-E funding to the local  
10 contractor. The local contractor shall use the provided funds as  
11 the nonfederal match and enroll and serve children identified by  
12 the county as children receiving protective services, foster children,  
13 or children at risk of abuse or neglect.

14 (4) *Consult with the State Department of Education to ensure*  
15 *that the child development division contractor is in good standing*  
16 *with the Child Development Division in the State Department of*  
17 *Education, all federal Title IV-E funds are used to enhance the*  
18 *State Department of Education funded program, and the child*  
19 *development division contractor does not double charge for the*  
20 *same services.*

21 SEC. 3. Section 15200.5 of the Welfare and Institutions Code  
22 is amended to read:

23 15200.5. (a) Notwithstanding subdivision (c) of Section 15200,  
24 and except as provided in subdivision (b), the county shall be  
25 responsible for 100 percent of the nonfederal share of payments  
26 to needy children eligible for AFDC-FC under the conditions of  
27 Section 11402.5, and for payments made to foster parents pursuant  
28 to Section 11410.

29 (b) A county also may use funds made available pursuant to  
30 Section 11410.5 for the nonfederal share of payments made to  
31 foster parents pursuant to Section 11410.